

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS
INC., *et al.*,

Defendants.

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR, *et al.*,

Defendants.

USDS SDNY
DOCUMENT
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DATE FILED: 9/20/19

No. 05-cv-5231 (RJS)

ORDER

No. 05-cr-621 (RJS)

RICHARD J. SULLIVAN, Circuit Judge:

On September 16, 2019, the Court received (1) a letter from claimants Debra and Lisa Mayer requesting an extension of time to file a petition for a hearing on the validity of their alleged interest in the property subject to the Court's Preliminary Order of Forfeiture as to Substitute Assets (Doc. No. 813); and (2) a letter from the government requesting an extension of time for the Securities and Exchange Commission to file a petition for a hearing in the same matter (Doc. No. 814), and attaching a proposed order granting such a request (Doc. No. 814-1). On September 17, 2019, the Court ordered the parties to submit supplemental letters addressing the Court's authority to extend the deadline under 18 U.S.C. § 853(n)(2). (Doc. No. 818.) The Court is now

in receipt of the government's September 19, 2019 letter (Doc. No. 821) and Debra and Lisa Mayer's September 19, 2019 letter (Doc. No. 822) addressing their views on the Court's authority in this matter.

Having reviewed the authorities cited in the government's letter, the Court finds that the thirty-day deadline in 18 U.S.C. § 853(n)(2) is a claim-processing deadline, not a jurisdictional bar, and thus the Court has the authority to grant a petition for an extension of time upon consent of the government. Accordingly, IT IS HEREBY ORDERED THAT Debra and Lisa Mayer, and the Securities and Exchange Commission shall have until October 25, 2019 to file a petition for a hearing on the validity of their alleged interest in the property subject to the Court's Preliminary Order of Forfeiture as to Substitute Assets.

SO ORDERED.

Dated: September 20, 2019
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation